

The House Committee on Education offers the following substitute to SB 68:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to strengthen provisions relating to the financial management of local school systems; to provide for training for local board of education members and local school superintendents on financial management; to provide for monthly reporting to the local board of education on the financial stability of the local school system; to provide for designation by the Department of Audits and Accounts of high-risk local school systems and moderate-risk local school systems based on annual audits; to provide for financial management provisions in flexibility contracts and system charters; to provide for appointment of the Chief Turnaround Officer by the Governor; to provide for the role of the State School Superintendent in identifying turnaround eligible schools; to repeal a provision relating to grants to assist schools with demonstrated financial need; to provide for annual reporting by the Chief Turnaround Officer; to provide for a pilot program to retain highly effective teacher leaders in turnaround schools; to provide a separate appeals process for certain performance ratings contained in personnel evaluations for teachers who accepted a school year contract for the fourth or subsequent consecutive school year; to provide for the establishment of appeals policies by local units of administration; to provide for appeals hearings to be conducted by independent third parties or system administrators; to require local units of administration to submit copies of their complaint policies to the Department of Education; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-49, relating to standards for local board of education members, as follows:

S. B. 68 (SUB)

26 "20-2-49.

27 The General Assembly finds that local boards of education play a critical role in setting the  
28 policies that lead to the operation and success of local school systems. School board  
29 members hold special roles as trustees of public funds, including local, state, and federal  
30 funds, while they focus on the singular objective of ensuring each student in the local  
31 school system receives a quality basic education. Board duties require specialized skills  
32 and training in the performance of vision setting, policy making, approving multimillion  
33 dollar budgets, financial management, and hiring a qualified superintendent. The  
34 motivation to serve as a member of a local board of education should be the improvement  
35 of schools and academic achievement of all students. Service on a local board of education  
36 is important citizen service. Given the specialized nature and unique role of membership  
37 on a local board of education, this elected office should be characterized and treated  
38 differently from other elected offices where the primary duty is independently to represent  
39 constituent views. Local board of education members should abide by a code of conduct  
40 and conflict of interest policy modeled for their unique roles and responsibilities. And  
41 although there are many measures of the success of a local board of education, one is  
42 clearly essential: maintaining accreditation and the opportunities it allows the school  
43 system's students."

#### 44 SECTION 1-2.

45 Said title is further amended by revising subsection (e) of Code Section 20-2-51, relating to  
46 election of local board of education members, persons ineligible to be members or  
47 superintendent, ineligibility for local boards of education, and ineligibility for other elective  
48 offices, as follows:

49 "(e) In addition to any other requirements provided by law, no person shall be eligible for  
50 election as a member of a local board of education unless he or she:

51 (1) Has read and understands the code of ethics and the conflict of interest provisions  
52 applicable to members of local boards of education and has agreed to abide by them; ~~and~~

53 (2) Has agreed to annually disclose compliance with the State Board of Education's  
54 policy on training for members of local boards of education, the code of ethics of the  
55 local board of education, and the conflict of interest provisions applicable to members of  
56 local boards of education; and

57 (3) Has completed all prior annual training requirements established by the local board  
58 of education and the State Board of Education pursuant to Code Section 20-2-230 if such  
59 person is eligible for reelection as a member of the local board of education.

60 Each person offering his or her candidacy for election as a member of a local board of  
61 education shall file an affidavit with the officer before whom such person has qualified for

such election prior to or at the time of qualifying, which affidavit shall affirm that he or she meets all of the qualifications required pursuant to this subsection. This subsection shall apply only to local board of education members elected or appointed on or after July 1, 2010."

### SECTION 1-3.

Said title is further amended by revising Code Section 20-2-58, relating to regular monthly meeting of local boards, adjournment, temporary presiding officer, and notice of date, as follows:

"20-2-58.

(a) It shall be the duty of each local board of education to hold a regular meeting during each calendar month for the transaction of business pertaining to the public schools and to review the financial status of the local school system. Any such meeting may be adjourned from time to time, and, in the absence of the president or secretary, the members of the local board may appoint one of their own number to serve temporarily. The local board shall annually determine the date of its meeting and shall publish it either in the official county organ or, at the option of the local board of education, in a newspaper having a general circulation in said county at least equal to that of the official county organ for two consecutive weeks following the setting of the date; provided, however, that the date shall not be changed more often than once in 12 months and, if changed, the new date shall also be published as provided in this Code section.

(b) The State Board of Education shall create a template for local boards of education to use to review the financial status of their local school systems, which shall include, at a minimum, a statement of revenues, expenditures, and encumbrances."

### SECTION 1-4.

Said title is further amended by revising Code Section 20-2-61, relating to fundamental roles of local boards of education and local school superintendents, as follows:

"20-2-61.

(a) The fundamental role of a local board of education shall be to establish policy for the local school system with the focus on student achievement. The fundamental role of a local school superintendent shall be to implement the policy established by the local board. It shall not be the role of the local board of education or individual members of such board to micromanage the superintendent in executing his or her duties, but it shall be the duty of the local board to hold the local school superintendent accountable in the performance of his or her duties; provided, however, that requesting and reviewing financial data and documents shall not constitute micromanaging. Local board of education members should

work together with the entire local board of education and shall not have authority as independent elected officials but shall only be authorized to take official action as members of the board as a whole. Nothing in this subsection shall be construed to alter, limit, expand, or enlarge any powers, duties, or responsibilities of local boards of education, local board members, or local school superintendents.

(b) Except as may be allowed by law, no local board of education shall delegate or attempt to delegate its policy-making functions."

#### SECTION 1-5.

Said title is further amended by revising Code Section 20-2-67, relating to local school system or school subject to corrective action plan for budget deficit, financial operations form, publication, and mailing to Department of Education and local governing body, as follows:

"20-2-67.

(a) When an audit by the Department of Audits and Accounts finds and reports irregularities or budget deficits in the fund accounting information regarding a local school system or a school within the local school system, the Department of Audits and Accounts shall report the findings of irregularities or budget deficits to the State Board of Education and the local board of education. The Department of Audits and Accounts shall designate local school systems that have had reported irregularities or budget deficits for three or more consecutive years as high-risk local school systems and shall designate local school systems that have had reported irregularities or budget deficits for one year or two consecutive years as moderate-risk local school systems.

(b) The State Board of Education shall inform the superintendent of the local school system of the irregularities or budget deficits regarding a local school system's or a school's fund accounting information, including if a local school system has been designated as a high-risk local school system or moderate-risk local school system. The superintendent shall submit to the Department of Education a response to the findings and a corrective action plan approved by the local board of education at a board meeting within 120 days of receiving notice of designation as a high-risk local school system or moderate-risk local school system, as defined by rules and regulations adopted by the State Board of Education designed to correct the financial irregularities or budget deficits for the school or school system. From the time such irregularity or budget deficit is discovered until the time it is eliminated, the local school superintendent shall present to each member of the local board of education for his or her review and written acknowledgment a monthly report containing all anticipated expenditures by budget function for such school or school system during the current month. The report shall be presented to local board members on or before the tenth

business day of each month. Each monthly report shall be signed by each member of that local board and recorded and retained in the minutes of the meeting of the local board of education.

(c) Not later than September 30 of the year, each local board of education shall cause to be published in the official county organ wherein the local school system is located once a week for two weeks a statement of actual financial operations for such schools or school system identified by the Department of Audits and Accounts as having financial irregularities. Such statement of actual financial operations shall be in a form to be specified and prescribed by the state auditor for the purpose of indicating the current financial status of the schools or school system. Prior to publication, such form shall be executed by the local board of education and signed by each member of said board and the local school superintendent.

(d) A copy of the actual financial operations form required to be published by subsection (c) of this Code section shall be mailed by each local board of education to the Department of Education and the local county board of commissioners or local municipal governing authority. A current copy of said form shall be maintained on file in the central administrative office of the local school system for public inspection for a period of at least two years from the date of its publication. Copies of the statement shall be made available on request."

#### SECTION 1-6.

Said title is further amended by revising Code Section 20-2-82, relating to contract terms for local school systems requesting flexibility, as follows:

"20-2-82.

(a) The local board of education and the department shall enter into negotiations on the appropriate terms of the contract, including the accountability, flexibility, and consequences components of the contract in accordance with Code Section 20-2-84, in consultation with the Office of Student Achievement. The accountability, flexibility, and consequences components may vary between schools and clusters.

(b) The flexibility requested by a local school system pursuant to subsection (b) of Code Section 20-2-84 shall result in consequences in accordance with subsection (c) of Code Section 20-2-84 and Code Section 20-2-84.1 for noncompliance with the accountability requirements established pursuant to subsection (a) of Code Section 20-2-84.

(c) The department, in consultation with the Office of Student Achievement, shall make a recommendation to the state board on whether the proposed terms of the contract should be approved by the state board. Such proposed terms of the contract shall require that a local school system has not been designated as a high-risk local school system by the

Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been designated as a high-risk local school system, the contract shall require that the local school system has a written corrective action plan in place and that local school system board members and appropriate personnel participate in required training to address the deficiencies.

(d)(1) The state board shall have the authority to approve or deny approval of the proposed terms of the contract but shall give all due consideration to the recommendation and input from the Office of Student Achievement.

(2) In the event that the state board denies approval of the proposed terms of the contract, the local board of education shall work with the department, in consultation with the Office of Student Achievement, for further revisions and resubmission to the state board.

(e) The state board shall be authorized to approve a waiver or variance request of specifically identified state rules, regulations, policies, and procedures or provisions of this chapter upon the inclusion of such request in the local school system's proposed contract and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver and variance shall be improvement of student performance. The state board shall not be authorized to waive or approve variances on any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327. A local school system that has received a waiver or variance shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner as before the waiver request."

#### **SECTION 1-7.**

Said title is further amended by revising Code Section 20-2-83, relating to state board approval of local school board flexibility contract, as follows:

"20-2-83.

(a) Upon approval of a proposed contract of a local school system which has requested flexibility, the state board shall enter into such contract with the local board of education.

(b) The terms of the contract shall include, but not be limited to, accountability, flexibility, and consequences components as negotiated pursuant to subsection (a) of Code Section 20-2-82 and in accordance with Code Section 20-2-84.

(c) The terms of the contract shall also include specific requirements relating to maintaining or achieving financial stability of the local school system, including ensuring that the local school system has not been designated as a high-risk local school system by the Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been designated as a high-risk local school system, that it has a written corrective action plan in place and that local school system board members and appropriate personnel participate in required training to address the deficiencies.

~~(e)~~(d) Each contract shall be for a term of six years. The terms of the contract may provide for automatic extension of such contract if a local school system has met its accountability requirements.

~~(d)~~(e) The terms of a contract may be amended during the term of the contract only upon approval of the state board and the local board of education."

#### SECTION 1-8.

Said title is further amended by revising Code Section 20-2-84.2, relating to state monitoring, as follows:

"20-2-84.2.

(a) The Office of Student Achievement shall revise the single state-wide accountability system established pursuant to paragraph (1) of subsection (a) of Code Section 20-14-26 for submission to the state board for approval to integrate the requirements of this article, to the greatest extent practicable, including, but not limited to, the loss of governance consequences provided for in Code Section 20-2-84.1.

(b) The Office of Student Achievement shall monitor each local school system's progress toward meeting its performance goals in its contract and shall notify the department if a local school system is not in compliance with such performance goals. The department shall provide support and guidance to school systems not meeting their yearly progress goals.

(c) The department shall monitor each local school system's financial stability and provide support and guidance to local school systems that are designated as high-risk local school systems or moderate-risk local school systems by the Department of Audits and Accounts pursuant to Code Section 20-2-67 or are at risk of being designated as high-risk local school systems or moderate-risk local school systems."

**SECTION 1-9.**

Said title is further amended by revising Code Section 20-2-103, relating to oath of local school superintendent, as follows:

"20-2-103.

Before entering upon the discharge of his or her official duties, the local school superintendent shall take and subscribe to the following oath of office:

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, do solemnly swear or affirm that I will truly perform the duties of local school superintendent of the \_\_\_\_\_ School System to the best of my ability.

I do further swear or affirm:

(1) That I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof and that I will manage the finances of the local school system in compliance with all applicable laws and regulations;

(2) That I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding;

(3) That I am otherwise qualified to hold said office according to the Constitution and the laws of Georgia; and

(4) That I will support the Constitution of the United States and of this state.

\_\_\_\_\_  
Signature of local school superintendent

\_\_\_\_\_  
Typed name of local school superintendent

Sworn and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.  
(SEAL)."

**SECTION 1-10.**

Said title is further amended by revising Code Section 20-2-109, relating to duties of local school superintendents, as follows:



269 "20-2-109.

270 (a) The local school superintendent shall constitute the medium of communication  
271 between the State School Superintendent and subordinate local school officers. The local  
272 school superintendent shall be the executive officer of the local board of education; shall  
273 be the agent of the local board in procuring such school equipment and materials as it may  
274 order; shall ensure that the prescribed textbooks are used by students; shall verify all  
275 accounts before an application is made to the local board for an order for payment; and  
276 shall keep a record of all official acts, which, together with all the books, papers, and  
277 property appertaining to the office, shall be turned over to the successor. It shall be the  
278 local school superintendent's duty to enforce all regulations and rules of the State School  
279 Superintendent and of the local board according to the laws of the state and the rules and  
280 regulations made by the local board that are not in conflict with state laws; and to visit  
281 every school within the local school system to become familiar with the studies taught in  
282 the schools, observe what advancement is being made by the students, counsel with the  
283 faculty, and otherwise aid and assist in the advancement of public education.

284 (b) The local school superintendent shall report monthly to the local board of education  
285 the financial status of the local school system in accordance with Code Section 20-2-58.  
286 Each local board of education which governs a local school system that has been  
287 designated as a high-risk local school system or moderate-risk local school system by the  
288 Department of Audits and Accounts pursuant to Code Section 20-2-67 shall require the  
289 local school superintendent to complete training on financial management and financial  
290 governance of a local school system."

291 **SECTION 1-11.**

292 Said title is further amended by revising Code Section 20-2-230, relating to staff  
293 development programs, as follows:

294 "20-2-230.

295 (a) All public school officials and professional personnel certificated by the Professional  
296 Standards Commission shall be provided the opportunity to continue their development  
297 throughout their professional careers. The primary purpose of the staff development  
298 sponsored or offered by local boards of education and the Department of Education shall  
299 be the implementation of this policy. Two additional purposes of such staff development  
300 programs shall be to adopt into general practice the findings of scientifically designed  
301 research which has been widely replicated, particularly as it relates to teacher and school  
302 effectiveness, and to address professional needs and deficiencies identified during the  
303 process of objective performance evaluations.

(b)(1) The State Board of Education shall adopt a training program for members of local boards of education by July 1, 2011. The State Board of Education may periodically adopt revisions to such training program as it deems necessary.

(2) Within three months of adoption by the State Board of Education of a training program pursuant to paragraph (1) of this subsection, each local board of education shall adopt a training program for members of such boards that includes, at a minimum, such training program and requirements established by the State Board of Education pursuant to paragraph (1) of this subsection. Each local board of education shall incorporate any revisions adopted by the State Board of Education to the training program pursuant to paragraph (1) of this subsection within three months of adoption of such revisions.

(3) All local boards of education are authorized to pay such board members for attendance at a required training program the same per diem as authorized by local or general law for attendance at regular meetings, as well as reimbursement of actual expenses for travel, lodging, meals, and registration fees for such training, either before or after such board members assume office.

(c) The State Board of Education shall require each newly elected member of a local board of education to receive guidance and training regarding his or her own local school system's most recent audit findings and the risk status of the local school system as determined by the Department of Audits and Accounts or the Department of Education. Such training for newly elected board members shall also include training on the role of the local school superintendent with respect to financial management and financial governance of a local school system.

(d) The State Board of Education shall require members of local boards of education to complete the training required under this Code section with either the Department of Education or the Department of Audits and Accounts if the local board of education has been designated by the Department of Audits and Accounts as a high-risk local school system pursuant to Code Section 20-2-67 or if the Department of Audits and Accounts has determined that corrective actions have not been implemented or devised to correct serious findings in the local school system's Department of Audits and Accounts audit report from the previous year."

## **SECTION 1-12.**

Said title is further amended by revising Code Section 20-2-2063.2, relating to charter systems, as follows:

"20-2-2063.2.

(a) The state board shall be authorized to enter into a charter with a local board to establish a local school system as a charter system.

(b) A local board seeking to create a charter system must submit a petition to the state board. Prior to submitting such petition, the local board shall:

(1) Adopt a resolution approving the proposed charter system petition;

(2) Conduct at least two public hearings and provide notice of the hearings in the same manner as other legal notices of the local board; and

(3) Send a notice to each principal within the local school system of the hearings with instructions that each school shall distribute the notice to faculty and instructional staff members and to the parent or guardian of each student enrolled in the school.

The local board may revise its proposed charter system petition, upon resolution, as a result of testimony at the public hearings or for other purposes.

(c) Prior to approval or denial of a charter petition for a charter system, the state board shall receive and give all due consideration to the recommendation and input from the Charter Advisory Committee established in Code Section 20-2-2063.1. The state board shall approve the charter if the state board finds, after receiving input from the Charter Advisory Committee, that the petition complies with the rules, regulations, policies, and procedures promulgated pursuant to Code Section 20-2-2063 and the provisions of this title, is in the public interest, and promotes school level governance. A charter for a charter system shall include the interventions, sanctions, and loss of governance consequences contained in Code Section 20-14-41. A charter for a charter system shall require that the local school system has not been designated as a high-risk local school system by the Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been designated as a high-risk local school system, the charter shall require that the local school system has a written corrective action plan in place and that local school system board members and appropriate personnel participate in required training to address the deficiencies.

(d) All schools within an approved charter system shall be system charter schools except as otherwise provided in subsections (f) and (g) of this Code section.

(e)(1) Subject to appropriations by the General Assembly or other available funding, the state board, after receiving input and recommendations from the Charter Advisory Committee, shall disburse planning grants to local school systems which desire to become charter systems. Such grants will be disbursed in accordance with any applicable guidelines, policies, and requirements established by the state board.

(2) Subject to specific appropriations by the General Assembly for this purpose, the state board shall disburse implementation grants in the amount of \$125,000.00 or such other amount as determined by the state board to each charter system. The state board shall be authorized to approve up to five petitions for charter systems during fiscal year 2008, and may approve up to a maximum number of petitions in following years as may be

established pursuant to board rules and as subject to availability of funding for implementation grants.

(f) A system charter school shall not be precluded from petitioning to become a conversion charter school, in accordance with Code Section 20-2-2064, not subject to the terms of the system charter. In the event a system charter school becomes a conversion charter school, the system charter shall be amended to reflect that such school is no longer bound by the system charter.

(g) An existing conversion or start-up charter school within a local school system which is petitioning to become a charter system shall have the option of continuing under its own existing charter, not subject to the terms of the system charter, or of terminating its existing charter, upon agreement by the local board and state board, and becoming subject to the system charter as a charter system school."

### SECTION 1-13.

Said title is further amended by revising subsection (a) of Code Section 20-2-2063.3, relating to code of principles and standards for charter school authorizers, as follows:

"(a) The State Board of Education and the State Charter Schools Commission shall jointly establish a code of principles and standards of charter school authorizing to guide local boards of education, the state board, and the State Charter Schools Commission in meeting high-quality authorizing practices. The principles and standards established by the state board and the State Charter Schools Commission shall include:

(1) Maintaining high standards for approving charter petitions;

(2) Establishing high academic, financial, and operational performance standards for charter schools;

(3) Annually monitoring, evaluating, and reporting charter school progress in meeting academic, financial, and operational performance standards, including ensuring that a local school system has not been designated as a high-risk local school system by the Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been designated as a high-risk local school system, that it has a written corrective action plan in place and that local school system board members and appropriate personnel participate in required training to address the deficiencies;

(4) Upholding charter school autonomy in school governance, instructional program implementation, personnel, and budgeting;

(5) Protecting students and holding charter schools accountable for their obligations to all students; and

(6) Protecting the public interest and holding charter schools accountable for their obligations of governance, management, and oversight of public funds."

**PART II**  
**SECTION 2-1.**

Said title is further amended in Code Section 20-2-73, relating to suspension and removal of local school board members upon potential loss of accreditation, by revising paragraph (1) of subsection (a) as follows:

"(a)(1) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the contrary, if:

(A) A local school system or school is placed on the level of accreditation immediately preceding loss of accreditation for any reason or reasons by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of Code Section 20-3-519, the local board of education shall notify the State Board of Education in writing within three business days of such placement and the State Board of Education shall conduct a hearing in not less than ten days of such notice nor more than 90 days and recommend to the Governor whether to suspend all eligible members of the local board of education with pay; or

(B) One-half or more of the schools in a local school system are turnaround eligible schools, as defined in subsection (a) of Code Section 20-14-45, for the fifth or more consecutive year, the Department of Education shall notify the State Board of Education in writing within three business days of the publication of the list of turnaround eligible schools by the Office of Student Achievement, and the State Board of Education with input from the State School Superintendent shall conduct a hearing in not less than ten days of such notice nor more than 90 days and recommend to the Governor whether to suspend all eligible members of the local board of education with pay; provided, however, that this subparagraph shall be tolled for a local board of education while under a contract amendment or intervention contract pursuant to Code Section 20-14-45 so long as such local board of education is in substantial compliance with the terms of such contract amendment or intervention contract."

**SECTION 2-2.**

Said title is further amended by revising subsection (b) of Code Section 20-2-84.2, relating to state monitoring of flexibility contracts, as follows:

"(b) ~~The Office of Student Achievement~~ Department of Education shall monitor each local school system's progress toward meeting its performance goals in its contract and shall ~~the~~ notify the ~~department~~ State Board of Education if a local school system is not in compliance with such performance goals. The department shall provide support and guidance to school systems not meeting their yearly progress goals."

**SECTION 2-3.**

Said title is further amended in Code Section 20-14-41, relating to appropriate levels of intervention for failing schools, master or management team, school improvement team, annual reports, data revision, and hearing, by revising subsection (h) as follows:

"(h)(1) The ~~State Board of Education~~ Chief Turnaround Officer shall prepare an annual report detailing the schools that have received an unacceptable rating for one or more consecutive years and the interventions applied to each such school pursuant to this Code section ~~Section 20-14-41~~.

(2) The ~~State Board of Education~~ Chief Turnaround Officer shall provide the annual report no later than December 31 for the previous academic year; to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the chairpersons of the House Committee on Education and the Senate Education and Youth Committee, and the Education Turnaround Advisory Committee."

**SECTION 2-4.**

Said title is further amended by revising Code Section 20-14-43, relating to the Chief Turnaround Officer, qualifications, and duties, as follows:

"20-14-43.

(a) There is created the position of Chief Turnaround Officer. The ~~State Board of Education~~ Governor, after consulting with the State School Superintendent and the Education Turnaround Advisory Council and, in his or her discretion, conducting a national search, shall appoint the Chief Turnaround Officer who shall serve at the pleasure of the ~~state board~~ Governor. The Chief Turnaround Officer shall be an employee of the Department of Education ~~but shall report directly to the state board in the school improvement division~~.

(b) The Chief Turnaround Officer shall have the following qualifications:

(1) Extensive personal experience in turning around low-performing schools, including expertise in turnaround strategies, curriculum, instruction, and teacher and principal effectiveness;

(2) Has held the position of at least principal or a higher administrative position in a public school system for a minimum of five years with demonstrated skills in school management, budget, finance, federal and state programs, funding sources, and talent management; and

(3) Such additional education, experience, and other qualifications as determined by the Governor, in consultation with the State Board of Education and the State School Superintendent.

(c) The duties of the Chief Turnaround Officer shall include, but are not limited to:

- (1) Managing and overseeing a system of supports and assistance for the lowest-performing schools in this state identified as in the greatest need of assistance;
- (2) Identifying resources, including the establishment of a resource list of evidence based strategies and integrated student services, and consulting with regional educational service agencies to determine specific expertise and resources available at each such regional educational service agency directly relating to school turnaround;
- (3) Annually establishing a list of third-party specialists, including auditors and consultants, to assist schools and local school systems in conducting comprehensive on-site evaluations of schools to determine the root causes of low performance and lack of progress, to assist schools and local school systems in the implementation of intensive school improvement plans, or to provide any of the necessary support services as specified in the engagement letter or contract. Such list of third-party specialists shall be established through a request for proposals process and approved by the State Board of Education. Such request for proposals shall be designed with input from the Education Turnaround Advisory Council;
- (4) Coordinating with the ~~school improvement division within the Department of Education and coordinating and working with the State School Superintendent and the Office of Student Achievement~~ to identify all state resources and supports available to the lowest-performing schools in the greatest need of assistance;
- (5) Identifying turnaround coaches pursuant to Code Section 20-14-44 to serve as the assigned state site liaison in the school improvement process;
- (6) Building school level leadership capabilities, in cooperation with agencies and organizations that have experience and capacity, and providing leadership development opportunities for principals and other school level leaders in turnaround eligible schools selected by the Chief Turnaround Officer; and
- (7) Identifying best practices for school turnaround, including identifying those practices that are not successful in improving student outcomes, and sharing such information with local school systems and schools in this state.
- (d) ~~The Chief Turnaround Officer, the State School Superintendent, and the staff and all divisions of the Department of Education shall work collaboratively and shall coordinate as necessary to facilitate the implementation of this part.~~ The Department of Education shall establish the state plan pursuant to the federal Every Student Succeeds Act in a manner that pursues and allows maximum flexibility to implement the provisions of this part."

**SECTION 2-5.**

Said title is further amended by revising Code Section 20-14-44, relating to turnaround coaches and roles, as follows:

"20-14-44.

(a) The Chief Turnaround Officer, ~~after consulting with the~~ recommendation of the State School Superintendent, shall ~~recommend~~ propose individuals experienced in turning around schools that have similar needs and characteristics as those schools identified pursuant to Code Section 20-14-45, to serve as turnaround coaches, subject to approval by the state board.

(b) Turnaround coaches shall assist schools that are identified as ~~in~~ having the greatest need ~~of for~~ assistance pursuant to Code Section 20-14-45 with ongoing assistance and input and shall serve as contract managers to ensure conformance to contract terms. Turnaround coaches shall be assigned to one or more schools which are under a contract amendment or intervention contract pursuant to Code Section 20-14-45.

(c) Turnaround coaches may provide such other services and supports as determined by the Chief Turnaround Officer."

**SECTION 2-6.**

Said title is further amended by revising Code Section 20-14-45, relating to the definition of turnaround eligible schools, identification, and role of local boards of education, as follows:

"20-14-45.

(a) As used in this Code section, the term 'turnaround eligible schools' means the schools that have performed in the lowest 5 percent of schools in this state identified in accordance with the state-wide accountability system established in the state plan pursuant to the federal Every Student Succeeds Act.

(b) The Chief Turnaround Officer, in conjunction with the ~~Department of Education~~ State School Superintendent and the Office of Student Achievement, shall annually identify the lowest-performing schools that are deemed ~~to be in~~ as having the greatest need ~~of for~~ assistance based on a list of turnaround eligible schools prepared annually by the Office of Student Achievement. If the Chief Turnaround Officer, after consulting with ~~Department of Education~~ staff and the State School Superintendent, determines that the capacity and resources available to the Chief Turnaround Officer and to the Department of Education are insufficient to serve all schools on the turnaround eligible schools list, the Chief Turnaround Officer may select a subset of such schools based on the following factors:

- (1) Whether the school's rating has been improving or declining over the previous three years, based on the state-wide accountability system;



(2) Whether the contract for strategic waivers school systems or the charter for charter systems adequately addresses the school's deficiencies;

(3) Whether the school is in a local school system with a recent accreditation report showing deficiencies in system level governance, school level leadership, system and school level resource utilization, or school level achievement, including the areas of reading and mathematics proficiencies;

(4) Whether the school is located in a local school system in which one-half or more of the schools are on the turnaround eligible schools list for the fifth or more consecutive year;

(5) Whether the school is in close proximity to a school that will be served pursuant to paragraphs (1), (2), (3), or (4) of this subsection; and

(6) Any other factors deemed appropriate by the Chief Turnaround Officer.

(c) The Chief Turnaround Officer shall extend an opportunity to the local boards of education for each school identified pursuant to subsection (b) of this Code section to amend the contract entered into pursuant to Code Section 20-2-83 for strategic waivers school systems or to amend the charter, for charter systems. The amendment shall be for the purposes of agreeing to receive assistance pursuant to this part for such identified school or schools. For any such local board of education that is offered the opportunity to amend its system contract or charter but that does not sign an amendment within 60 days of being offered the amendment or that declines to sign an amendment, the State Board of Education shall within 60 days either implement one or more of the interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for such school or terminate the system contract or charter as allowed by the terms of such contract or charter.

(d) For any local school system that is not a charter system or a strategic waivers school system, the Chief Turnaround Officer shall extend an opportunity to the local board of education for each school identified pursuant to subsection (b) of this Code section to enter into an intervention contract for the purposes of agreeing to receive assistance pursuant to Code Section 20-14-46 for such identified school or schools. For any such local board of education that is offered the opportunity to enter into an intervention contract but that declines, the State Board of Education shall immediately implement one or more of the interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for such school.

(e) For any school on the turnaround eligible school list which is not selected as part of the subset of schools to be assisted by the Chief Turnaround Officer due to insufficient capacity and resources, the Department of Education, ~~through its Education's~~ school improvement division, shall begin or continue focused supports and a pre-diagnostic review utilizing all relevant data held at the state level as it relates to the local school

590 system and school, including financial audits, funding allotments, federal funds, state  
591 assessment data, and the most recent local school system accreditation report regarding  
592 system level governance and leadership, resource utilization, teaching and learning  
593 effectiveness, and academic achievement."

594 **SECTION 2-7.**

595 Said title is further amended in Code Section 20-14-46, relating to on-site diagnostic review  
596 by third-party specialist and development of intensive school improvement plan, by revising  
597 subsection (d) as follows:

598 "(d) Based on the evaluation and recommendations and after public input from parents and  
599 the community, the school shall develop an intensive school improvement plan, approved  
600 by the Chief Turnaround Officer, that specifically addresses the academic insufficiencies  
601 identified by the school's rating in the single state-wide accountability system. The local  
602 board of education shall not be eligible for supplemental funding to support the  
603 implementation of the plan unless such local board demonstrates financial need based on  
604 its most current annual budget and the results of the most recent audit. The local board of  
605 education shall coordinate the hiring and contract renewal process for personnel and the  
606 allocation of school resources to support such plan. In developing the timelines in the  
607 intensive school improvement plan, the school shall take into consideration the budget  
608 cycles, employment contract deadlines, and other appropriate factors relating to the  
609 planning process. The school, with the support of the local board of education, local school  
610 superintendent, and principal, shall implement the plan with ongoing input and assistance  
611 from the Chief Turnaround Officer and performance monitoring by the ~~turnaround coach~~  
612 Department of Education's school improvement division."

613 **SECTION 2-8.**

614 Said title is further amended by revising Code Section 20-14-48, relating to individual  
615 assessments of low performing students in turnaround eligible schools, as follows:

616 "20-14-48.

617 (a) The ~~State Board of Education~~ State School Superintendent shall ensure that all  
618 necessary department resources and supports are made available for full implementation  
619 of this part, including, but not limited to, the implementation of the intensive school  
620 improvement plans established pursuant to Code Section 20-14-46 for schools for which  
621 a local board of education has entered into a contract amendment or intervention contract  
622 with the State Board of Education pursuant to Code Section 20-14-45. Further, the ~~State~~  
623 ~~Board of Education~~ State School Superintendent shall ensure that such schools receive  
624 priority for the receipt of federal and state funds available to the Department of Education

to the fullest extent possible under federal and state law, including, but not limited to, federal school improvement grants and Title I funds. ~~The State Board of Education~~ State School Superintendent shall also pursue maximum flexibility in applying for and expending federal funds, including, but not limited to, the consolidation of all federal, state, and local funds in compliance with federal law.

~~(b) The Office of Student Achievement shall give priority to schools for which a local board of education has entered into a contract amendment or intervention contract with the State Board of Education pursuant to Code Section 20-14-45 when awarding grants pursuant to subsection (b.1) of Code Section 20-14-26.1 or any other grants administered by the office.~~

~~(c)(1) The Office of Student Achievement shall be authorized to provide for grants, subject to appropriations, to assist schools in local school systems under a contract amendment or intervention contract pursuant to Code Section 20-14-45 with demonstrated financial need in:~~

~~(A) Retaining the services of a third-party specialist to assist in the implementation of an intensive school improvement plan developed pursuant to Code Section 20-14-46 or to provide any other support services deemed necessary pursuant to such plan;~~

~~(B) Assessing low-performing students and obtaining specified supports for such students as delineated in subsection (a) of Code Section 20-14-47; or~~

~~(C) Both subparagraph (A) and subparagraph (B) of this paragraph.~~

~~(2) A school under a contract amendment or intervention contract pursuant to Code Section 20-14-45 with a demonstrated financial need may, upon consultation with the turnaround coach for the school, request grant funds pursuant to this subsection. Upon approval by the Chief Turnaround Officer, the grant request may be submitted to the Office of Student Achievement. The award of any grant funds shall be at the discretion of the Office of Student Achievement, including the amount of any such grant funds awarded. The Office of Student Achievement shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of this subsection, including criteria for a local school system to demonstrate financial need."~~

## SECTION 2-9.

Said title is further amended by revising Code Section 20-14-49, relating to failure to progress after implementation of intensive school improvement plan and interventions, as follows:

"20-14-49.

(a) If after three school years of implementing the intensive school improvement plan developed pursuant to Code Section 20-14-46, the school is not improving, as determined

by the Chief Turnaround Officer based on the terms of the amended contract, amended charter, or the intervention contract and on other applicable factors, the Chief Turnaround Officer shall require that one or more of the following interventions be implemented at the school, unless the school is in substantial compliance with the implementation of the intensive school improvement plan and has exhibited ongoing cooperation and collaboration:

(1) Continued implementation of the intensive school improvement plan developed pursuant to Code Section 20-14-46;

(2) Removal of school personnel, which may include the principal and personnel whose performance has been determined to be insufficient to produce student achievement gains;

(3) Implementation of a state charter school or a special school, as defined in Code Section 20-2-2062;

(4) Complete reconstitution of the school, removing all personnel, appointing a new principal, and hiring all new staff. Existing staff may reapply for employment at the newly reconstituted school but shall not be rehired if their performance regarding student achievement has been negative for the past four years;

(5) Operation of the school by a private nonprofit third-party operator selected and contracted by the local board of education;

(6) Mandatory parental option to relocate the student to another public school in the local school system that does not have an unacceptable rating, to be chosen by the parents of the student from a list of available options provided by the local school system. The local school system shall provide transportation for students in Title I schools in accordance with the requirements of federal law. The local school system may provide transportation for students in non-Title I schools. In any year in which the General Assembly does not appropriate funds for the provision of transportation to non-Title I students, the parent or guardian shall assume responsibility for the transportation of that student;

(7) Complete restructuring of the school's governance arrangement and internal organization of the school;

(8) Operation of the school by a successful school system and pursuant to funding criteria established by the State Board of Education; or

(9) Any other interventions or requirements deemed appropriate by the Chief Turnaround Officer and the State Board of Education for the school and in accordance with the amended contract, amended charter, or intervention contract, except that operation of the school by a for profit entity shall be prohibited.

(b) Before the implementation of any interventions required by the Chief Turnaround Officer pursuant to subsection (a) of this Code section for a school, the local board of

education may request an opportunity for a hearing before the State Board of Education to show cause as to why an intervention or interventions imposed by the Chief Turnaround Officer for a school should not be required or that alternative interventions would be more appropriate. Such request shall be made no later than 30 days after notification by the Chief Turnaround Officer of the intended interventions. The State Board of Education shall take into consideration the substantial compliance of the school in the implementation of the intensive school improvement plan and the ongoing cooperation and collaboration exhibited by the school. The State Board of Education shall make a determination on any such request no later than 60 days after receipt of such request. The determination of the State Board of Education, with input from the State School Superintendent, shall be the final decision."

#### **SECTION 2-10.**

Said title is further amended by revising Code Section 20-14-49.1, relating to the Education Turnaround Advisory Council creation, composition, administration, and role, as follows:

"20-14-49.1.

(a) There is created the Education Turnaround Advisory Council which shall report to the ~~State Board of Education~~ State School Superintendent. The Education Turnaround Advisory Council shall be composed of:

(1) The executive director of the Georgia School Boards Association or his or her designee;

(2) The executive director of the Georgia School Superintendents Association or his or her designee;

(3) The executive director of the Professional Association of Georgia Educators or his or her designee;

(4) The executive director of the Georgia Association of Educators or his or her designee;

(5) The executive director of the Georgia Association of Educational Leaders or his or her designee;

(6) The president of the Georgia Parent Teacher Association;

(7) The executive director of Educators First or his or her designee; and

(8) Education leaders representing local school superintendents, local boards of education, teachers, business leaders, or other appropriate individuals with interest in public education appointed as follows:

(A) Two education leaders appointed by the Lieutenant Governor; and

(B) Two education leaders appointed by the Speaker of the House of Representatives.

(b) ~~The chairperson of the State Board of Education~~ State School Superintendent shall cause the council to be convened no later than 30 days after the last appointment is made to the council. The council shall select a chairperson from among its membership.

(c) The Education Turnaround Advisory Council shall be authorized to:

(1) Submit to the ~~State Board of Education~~ Governor's office names of potential candidates for the position of Chief Turnaround Officer and for turnaround coaches;

(2) Recommend school turnaround resources and potential turnaround experts to be added to resource lists;

(3) Provide advisement on the development of state-wide assessment tools;

(4) Provide advisement to the State School Superintendent and Chief Turnaround Officer, as necessary;

(5) Provide recommendations and input on the request for proposals process conducted pursuant to paragraph (3) of subsection (c) of Code Section 20-14-43 to establish a list of approved third-party specialists that may be retained to assist in the evaluation of schools; and

(6) Perform such other duties as assigned by the ~~State Board of Education~~ State School Superintendent.

(d) The Education Turnaround Advisory Council shall have no authority and shall only be advisory in nature."

## SECTION 2-11.

Said title is further amended by adding a new Code section to read as follows:

"20-14-49.3.

(a) The State School Superintendent shall conduct a pilot program to provide stipends for turnaround instructional innovation specialists. The intent of the pilot program shall be to recruit, select, hire, develop, and retain highly effective teacher leaders to work in turnaround schools. Such pilot program shall be conducted for five school years, beginning with school year 2019-2020. The State School Superintendent shall select turnaround schools that are under a contract amendment or intervention contract pursuant to Code Section 20-14-45 to participate in the pilot program.

(b) Turnaround instructional innovation specialists in the pilot program shall be eligible to receive a stipend funded by a 2:1 state/local partnership of \$5,000.00 state funds and \$2,500.00 local funds. Stipends shall be subject to final approval by the State Board of Education and contingent on participation by the local board of education. In order to qualify for such stipend, a turnaround instructional innovation specialist shall:

(1) Agree to teach in a turnaround school for at least three consecutive years; and

(2) Agree to such other criteria and scope of work expectations in accordance with subsection (c) of this Code section.

(c) The criteria and scope of work expectations for turnaround instructional innovation specialists shall be developed by the State School Superintendent, with input from the Chief Turnaround Officer, the Georgia Professional Standards Commission, the Department of Education's Teacher and Leader Support and Development Division, the Georgia Association of Colleges for Teacher Education, and representatives of local school systems that are under a contract amendment or intervention contract pursuant to Code Section 20-14-45. Such criteria and scope of work expectations may include, but are not limited to:

(1) Teaching a full class schedule or an alternate model that maximizes the teacher's impact on a broader number of students and other teachers, such as a blended learning format;

(2) Attending scheduled professional learning courses to strengthen his or her instructional and leadership capacity;

(3) Fostering a collaborative culture to support educator development and student learning;

(4) Accessing and using research to improve practice and student learning;

(5) Promoting professional learning for continuous improvement;

(6) Facilitating improvements in instruction and student learning;

(7) Promoting the use of assessments and data for school and district improvement; and

(8) Advocating for student learning and the teaching profession.

(d) A turnaround instructional innovation specialist may continue to receive a stipend pursuant to subsection (b) of this Code section if he or she meets the expectations of his or her job, which may be measured by such factors, including, but not limited to:

(1) The rating on his or her annual summative performance evaluation conducted pursuant to Code Section 20-2-210;

(2) The school's progress on components of its College and Career Ready Performance Index (CCRPI) rating and performance on Beating the Odds analysis;

(3) Survey feedback from other teachers impacted by such turnaround instructional innovation specialist;

(4) The recommendation of the local school system based on the scope of work specific to such turnaround instructional innovation specialist's assignment; and

(5) The recommendation of the Chief Turnaround Officer.

(e) After receiving a stipend for three consecutive years, a turnaround instructional innovation specialist shall be eligible for conversion from the stipend to a permanent salary step increase on the state salary schedule, subject to recommendation by the Chief

Turnaround Officer and approval by the State School Superintendent, and shall be eligible for consideration, at the sole discretion of the local board of education, for continuation of receipt of the local portion of the stipend of \$2,500.00.

(f) The State School Superintendent shall provide a final report on the pilot program established pursuant to this Code section to the General Assembly no later than December 1, 2024. Such report shall include a recommendation as to whether or not to implement the program on a state-wide basis, and if so, any recommended changes to the design of such program.

(g) This Code section shall be subject to appropriations by the General Assembly."

### PART III SECTION 3-1.

Said title is further amended by revising Code Section 20-2-989.7, relating to matters not subject to complaint, as follows:

"20-2-989.7.

(a)(1) Except as otherwise provided in paragraph (2) of this subsection, the ~~The~~ performance ratings contained in personnel evaluations conducted pursuant to Code Section 20-2-210, professional development plans, and job performance shall not be subject to complaint under the provisions of this part; provided, however, that this shall not apply to procedural deficiencies on the part of the local school system or charter school in conducting an evaluation pursuant to Code Section 20-2-210.

(2) For teachers who have accepted a school year contract for the fourth or subsequent consecutive school year, performance ratings of 'Unsatisfactory,' 'Ineffective,' or 'Needs Development' contained in personnel evaluations conducted pursuant to Code Section 20-2-210, procedural deficiencies on the part of the local school system or charter school in conducting an evaluation pursuant to Code Section 20-2-210, and job performance shall be subject to appeal pursuant to this paragraph. Local units of administration shall establish an appeals policy that shall allow a teacher to appeal a performance rating of 'Unsatisfactory,' 'Ineffective,' or 'Needs Development.' Such appeals policy shall include a method and reasonable timelines for filing an appeal that minimize the burden on both parties, a statement that a teacher shall not be the subject of any reprisal as a result of filing an appeal pursuant to this paragraph, a provision that an appeal hearing may be conducted by an independent third party or by an administrator in the system office on behalf of the school official or local unit of administration, and a method to receive the decision of the independent third party or system administrator. Should any reprisal occur, the teacher may refer the matter to the Professional Standards Commission. Each



840 local unit of administration shall submit a copy of its appeals policy established pursuant  
841 to this paragraph to the Department of Education no later than September 1, 2019, and  
842 any time thereafter if material changes are made to such policy.

843 (3) The termination, nonrenewal, demotion, suspension, or reprimand of any employee,  
844 as set forth in Code Section 20-2-940, and the revocation, suspension, or denial of  
845 certificates of any employee, as set forth in Code Section 20-2-984.5, shall not be subject  
846 to complaint under the provisions of this part.

847 (b) A certified employee who chooses to appeal under Code Section 20-2-1160 shall be  
848 barred from pursuing the same complaint under this part."

849 **PART IV**  
850 **SECTION 4-1.**

851 All laws and parts of laws in conflict with this Act are repealed.